

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ELEVATED AG, LLC and MARICOPA  
ORCHARDS, LLC,

Plaintiffs,

v.

KEVIN ASSEMI,

Defendant.

No. 1:24-cv-01372-KES-SKO

ORDER ADOPTING IN FULL FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANT'S MOTION TO DISMISS WITH  
LEAVE TO AMEND

Docs. 8, 15

Plaintiffs Elevated AG, LLC and Maricopa Orchards, LLC, initiated this action against defendant Kevin Assemi, who proceeds pro se, on November 8, 2024. Doc. 1 ("Compl."). Kevin Assemi filed the instant motion to dismiss on February 11, 2025, Doc. 8 ("MTD"), and plaintiffs filed an opposition on February 24, 2025, *see* Docs. 11, 13.<sup>1</sup> Kevin Assemi did not file a reply.

The motion was referred to the assigned magistrate judge for the preparation of findings and recommendations. *See* Doc. 12. On April 16, 2025, the assigned magistrate judge recommended that the motion to dismiss be granted with leave to amend. Doc. 15. The findings and recommendations contained notice that any objections were due within 21 days. Doc. 15 at 14. No objections were filed.

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<sup>1</sup> Plaintiffs filed two docket entries which appear to be identical versions of the opposition. *See* Docs. 11, 13.

1 In accordance with the provisions of 28 U.S.C. §636(b)(1), the Court conducted a de novo  
2 review of the case. Having carefully reviewed the matter, the Court finds the findings and  
3 recommendations are supported by the record and proper analysis.

4 Based upon the foregoing:

- 5 1. The findings and recommendations issued April 16, 2025, Doc. 15, are ADOPTED in  
6 full;
- 7 2. Defendant Kevin Assemi's motion to dismiss, Doc. 8, is GRANTED with leave to  
8 amend; and
- 9 3. Plaintiffs may file an amended complaint that cures the deficiencies identified by the  
10 findings and recommendations within thirty (30) days of the date of this order.  
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13 IT IS SO ORDERED.

14 Dated: June 5, 2025

  
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UNITED STATES DISTRICT JUDGE